

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

)
) MDL No. 1456
)

THIS DOCUMENT RELATES TO:

*State of California, ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.*
Civil Action No. 03-11226-PBS

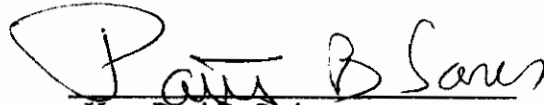
) Master File No. 01-12257-PBS
) Subcategory Case. No. 06-11337
)
) Hon. Patti B. Saris
)
)

**[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE
AS TO DEY DRUGS RELEASED UNDER THE SETTLEMENT AGREEMENT**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the State of California ("State"), acting by and through its Attorney General, Edmund G. Brown Jr., the relator Ven-A-Care of the Florida Keys, Inc. ("Relator") (collectively referred to as "Plaintiffs"), and Dey Pharma, L.P. and Dey, Inc. (collectively, "Dey") have filed a Stipulation of Dismissal with Prejudice as to Dey Drugs Released under the Settlement Agreement (the "Stipulation of Dismissal"), dismissing with prejudice all claims asserted or that could have been asserted against Dey in the above-captioned action, with respect to the pharmaceutical products listed in Appendix A to the Settlement Agreement and Release. Upon due consideration of the Stipulation of Dismissal and the papers on file in the above-captioned action,

IT IS HEREBY ORDERED that, consistent with the terms of the Settlement Agreement and Release between the State of California, the Relator and Dey, all claims asserted or that could have been asserted against Dey concerning the Covered Conduct as defined in Paragraph 3 of the Settlement Agreement and Release shall be dismissed with prejudice, each party shall bear its own costs except as otherwise provided for in the Settlement Agreement and Release, and all rights of appeal shall be waived.

Entered this 5 day of January, 2011.

A handwritten signature in black ink, appearing to read "Patti B. Saris", written over a horizontal line.

Hon. Patti B. Saris
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on Dec. 23, 2010, I caused a true and correct copy of the foregoing Stipulation of Dismissal with Prejudice as to Dey Drugs Released under the Settlement Agreement to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

A handwritten signature in black ink, appearing to read "K. J. Davis", is written over a horizontal line.